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IN THE UNITED STATES DISTRICT COURT  
 FOR THE NORTHERN DISTRICT OF CALIFORNIA  
 SAN FRANCISCO DIVISION

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10 TREVOR MOSS,

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Plaintiff,

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v.

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14 TIBERON MINERALS LTD.,

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Defendant.

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Case No.: C 07-2732- SC

**STIPULATION AND [PROPOSED]  
 ORDER REGARDING HEARING DATE  
 AND FURTHER BRIEFING ON  
 PLAINTIFF'S RULE 59(e) AND 60(b)  
 MOTIONS**

Hearing Date: February 8, 2008  
 Time: 10:00 a.m.  
 Location: Courtroom 1, 17<sup>th</sup> Floor  
 Judge: Hon. Samuel Conti

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1           In accordance with Local Rule 6-1, the parties stipulate that the hearing date on plaintiff's  
 2 pending motions under Federal Rules of Civil Procedure, Rules 59 and 60 shall be continued one  
 3 week to February 15, 2008 and that the time for plaintiff to reply to defendant's opposition is  
 4 extended one week to January 25, 2008. To accommodate defendant's counsel's schedule, the  
 5 parties previously stipulated to continue the hearing date on plaintiff's motions by one week to  
 6 February 1, 2008 and to extend the time to file opposition and reply to opposition by one week.  
 7 The Court ordered that the hearing date on plaintiff's motions be continued to February 8, 2008  
 8 rather than February 1, 2008.

9           As noted in plaintiff's counsel's declaration attached as Exhibit "A", the present  
 10 continuance of the hearing date is sought to accommodate plaintiff's counsel's plans to attend his  
 11 mother's 93<sup>rd</sup> birthday in southern California on February 8, 2008, and the extension of time for  
 12 plaintiff to reply to defendant's opposition is sought so as to allow plaintiff's counsel to obtain  
 13 information from plaintiff as well as plaintiff's business attorney, who is currently out of the  
 14 country.

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 16 Dated: January 15, 2008

CRAIGIE, McCARTHY & CLOW

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 18 /s/ James M. Hanavan  
 19 By: James M. Hanavan  
 Attorneys for Plaintiff Trevor Moss

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 21 Dated: January 15, 2008

MBV LAW LLP

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 23 /s/ David J. Brown  
 24 By: David J. Brown  
 Attorneys for Defendant Tiberon Minerals Ltd.

**ORDER**

IT IS ORDERED that the hearing date on plaintiff's Motion to Alter Judgment Pursuant to FRCP 59(e) and Motion for Relief from Judgment Dismissing for *Forum Non-Conveniens* Pursuant to FRCP 60(b) is continued to February <sup>22</sup> 15, 2008 at 10:00 a.m., and that the time for plaintiff to reply to defendant's opposition is extended one week to January 25, 2008.

Dated: January 16, 2008

**EXHIBIT "A"**

**DECLARATION OF JAMES M. HANAVAN STIPULATION AND [PROPOSED]  
ORDER REGARDING HEARING DATE AND FURTHER BRIEFING ON  
PLAINTIFF'S RULE 59(e) AND 60(b) MOTIONS**

I, James M. Hanavan, declare:

1. I am an attorney at law duly admitted to practice before all the courts of the State of California. I am affiliated with the law firm of Craigie, McCarthy & Clow, attorneys of record for plaintiff Trevor Moss.

2. To accommodate defendant's counsel's schedule, the parties previously stipulated to continue the hearing date on plaintiff's motions by one week to February 1, 2008 and to extend the time to file opposition and reply to opposition by one week. The Court ordered that the hearing date on plaintiff's motions be continued to February 8, 2008 rather than February 1, 2008.

3. My mother's 93<sup>rd</sup> birthday is on February 8, 2008. I had made plans to attend her birthday in southern California on that date. To allow me to honor those plans, declarant seeks a one-week continuance of the hearing date to February 15, 2008.

4. Further, declarant seeks a one-week extension of time for plaintiff to reply to defendant's opposition so as to allow declarant to obtain information from plaintiff as well as plaintiff's business attorney, who is currently out of the country.

5. Declarant sees no hardship being imposed on the Court or either party by these one-week extensions. The case is dismissed and plaintiff's post-judgment motions will not disrupt any case schedule other than the briefing and hearing date on the motions being sought by this Stipulation.

6. I am over eighteen years of age and have the capacity to perceive and recollect. If called upon to testify, I am competent to testify to the foregoing matters, which are within my personal knowledge.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct and that this declaration was executed on January 15, 2008.

/s/ James M. Hanavan  
James M. Hanavan